

Competitive Foods Policy

Purpose:

This instruction sets forth the policy for the sale of competitive foods and specifically, Foods of Minimal Nutritional Value (FMNV).

Scope:

Sponsors of the School Breakfast Program (SBP) and the National School Lunch Program (NSLP).

Definitions:

Competitive foods refer to any foods sold in competition with the School Nutrition Program to children in food service areas during meal periods. Regulations do not prohibit the sale of these foods (other than FMNV) at any time during the school day or anywhere on the school campus, including the school food service areas. These foods range from second servings of foods that are part of the reimbursable school meal; to foods that students purchase in addition to or in place of a reimbursable school meal, such as a la carte sales; and other foods and beverages purchased from vending machines, school stores, and snack bars.

Foods of Minimal Nutritional Value means, (i) in the case of artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving; and (ii) in the case of all other foods, a food which provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed for this purpose are – protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron.

Description:

The sale of Foods of Minimal Nutritional Value is prohibited in the food service areas during the school meal periods.

(A) The specific categories of Foods of Minimal Nutritional Value are:

- (1) Soda Water – A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees F. If either contains

no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals, and protein. Soda water floats are also considered in this class because the main ingredient is soda water.

- (2) Water Ices – As defined by 21 CFR 135.160 Food and Drug Administration Regulations except water ices that contain fruit or fruit juices are not included in this definition.

Water ices include foods that are artificially or naturally flavored with non-fruit or non-fruit juice flavorings. However, a frozen product with fruit or fruit juice or with milk or milk products is not classified as a water ice. Therefore, unless the following types of products have an exemption for a specific product, they are considered FMNV:

- Frozen, water-based bars
- Frozen, coffee/tea drinks
- Partially frozen drinks
- Frozen pickle juice/brine

- (3) Chewing Gum – Flavored products from natural or synthetic gums and other ingredients, which form an insoluble mass for chewing.

- (4) Certain Candies – Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:

- (i) Hard Candy – A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops.
- (ii) Jellies and Gums – A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

- (iii) Marshmallow Candies – An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be added.
- (iv) Fondant – A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution such as candy corn and soft mints.
- (v) Licorice – A product made predominantly from sugar and corn syrup, which is flavored with an extract made from the licorice root.
- (vi) Spun Candy – A product that is made from sugar that has been boiled at a high temperature and spun at a high speed in a special machine, e.g. cotton candy.
- (vii) Candy Coated Popcorn – Popcorn that is coated with a mixture made predominantly from sugar and corn syrup.

(B) The sale of the above Foods of Minimal Nutritional Value is restricted in areas where reimbursable meals are served or eaten. This restriction also applies during the service and consumption of reimbursable meals.

(C) The sale of other competitive foods may, at the discretion of the School Food Authority, be allowed in the food service area during breakfast or lunch periods only if income from the sale of such foods accrues to the benefit of the nonprofit food service or school or student organizations approved by the school.

SOURCES: NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAM REGULATIONS, [A MENU PLANNER FOR HEALTH SCHOOL MEALS](#), PAGE 253,
WWW.FNS.USDA.GOV/CND/LUNCH/COMPETITIVEFOODS/COMPETITIVE.FOODS.REPORT.TO.CONGRESS.HTM, USDA, SCHOOL AND COMMUNITY NUTRITION PROGRAMS, POLICY #04-05